

Notice of Allowability

Application No.

10/510,396

Examiner

Ives Wu

Applicant(s)

RYDIN ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/17/06.
2. ☒ The allowed claim(s) is/are 1-4 and 6-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

(1). Applicant's Remarks and Amendments filed on March 17, 2006 have been received and acknowledge.

Claim 5 is cancelled. Claim 1 is amended to incorporate the limitation of claim 5.

The rejections of claims 1-26 in the prior Office Action dated December 22, 2005 is withdrawn according to the applicant's Amendments filed on March 17, 2005.

Allowable Subject Matter

Claims 1-4 and 6-26 allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: After further consideration, the instantly claimed invention is allowable over the prior art of the record as per said neither anticipating nor rendering obvious. The use of a polyolefin with melt flow rate from 100 - 1500 g/10 min at 230 °C/2.16kg in the syntactic polyolefin composition containing a β -nucleated propylene polymer, microspheres disclosed by applicants overcomes teaching of combined prior arts of Hesse et al (US20030157286A1), Baran et al (ISSN: 0322-7340) and Jarrin et al (US005218016A) because none of them teaches the use of high melt index (low viscosity) polyolefin to blend with β -nucleated propylene polymer for the purpose of better mixing with microspheres. Although the prior art of Hesse et al (US20030157286A1) teach the use of homopolymer of polypropylene or copolymer of polypropylene but limits the melt index to within 10g/10min, Jarrin et al (US005218016A) teach the mixing of low density polyethylene with microspheres, the melt index for LDPE is 20 g according to ASTM D 1238. This approach of improving the two phases mixing such as microspheres and polyolefin, to avoid the crush of microspheres during processing by employing another high MI polyolefin as aid taught by applicants is favorably considered to be allowable.

As of the date of this Notice of Allowability, the Examiner has not located or identified any further reference that can be used singularly or in combination with another reference

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including Hesse et al (US20030157286A1), Jarrin et al (US005218016A) to render the present invention anticipated or obvious to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Ives Wu
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Date: March 23, 2006



DAVID W. WU
SENIOR PATENT EXAMINER
BIOLOGY CENTER 1700